



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

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**DECISION OF THE BOARD**

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Mailed and Filed: FEBRUARY 03, 2023

IN THE MATTER OF:

Appeal Board No. 626504

PRESENT: GERALDINE A. REILLY, MEMBER

The Department of Labor issued the initial determination charging the claimant with an overpayment of \$1,200 in Federal Pandemic Unemployment Compensation (FPUC) benefits repayable pursuant to § 2104 (f) (2) of the Coronavirus Aid,

Relief, and Economic Security (CARES) Act of 2020. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed October 31, 2022 (), the Administrative Law Judge granted the claimant's application to reopen 022-20807, and sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board, insofar as it sustained the initial determination charging the claimant with an overpayment of \$1,200 in FPUC benefits repayable pursuant to the CARES Act.

Based on the record and testimony in this case, the Board makes the following

**FINDINGS OF FACT:** The claimant applied for Pandemic Unemployment Assistance (PUA) benefits on April 5, 2020. By determination dated May 7, 2020, the claimant was advised that he had been found eligible to receive PUA benefits. Thereafter, the claimant began receiving PUA and FPUC benefits weekly.

A Department of Labor claim history reflects that on June 3, 2020, the amounts

of \$504 in PUA benefits and \$600 in FPUC benefits were released and deposited directly into the claimant's account for the week ending April 19, 2020. This record also indicates that on May 11, 2020, \$182 in PUA benefits and \$600 in FPUC benefits were released and deposited directly into the claimant's account for the week ending May 3, 2020.

The claim history does not reflect that an additional payment of FPUC benefits for the week ending April 19, 2020 was made on April 20, 2020, or that an additional payment of FPUC benefits for the week ending May 3, 2020, was made on May 4, 2020. The claimant did not receive duplicate FPUC benefits for either of these two weeks, and never received two amounts of \$600 for the same week.

OPINION: The record fails to establish that the claimant received two payments of FPUC benefits for either the weeks ending April 19, 2020, or the week ending May 3, 2020. The claim history produced by the Department of Labor and received into evidence, does not reflect that the claimant received duplicate payments of federal benefits for these weeks. Further, the claimant credibly testified that he never received two payments of \$600 in FPUC benefits for the same week.

In light of the claimant's credible firsthand testimony, and the fact that the record of benefits paid to the claimant does not reflect duplicate payments for either the week ending April 30, 2020 or the week ending May 3, 2020, we find that there was no overpayment of FPUC benefits for the weeks at issue.

DECISION: The decision of the Administrative Law Judge, insofar as appealed from, is reversed.

The initial determination, charging the claimant with an overpayment of \$1,200 in Federal Pandemic Unemployment Compensation (FPUC) benefits repayable pursuant to § 2104 (f) (2) of the Coronavirus Aid, Relief, and Economic

Security (CARES) Act of 2020, is overruled.

The claimant is allowed benefits with respect to the issues decided herein.

GERALDINE A. REILLY, MEMBER